

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 884 of 1988

with

SPECIAL CIVIL APPLICATION No 984 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

CHHATRASING G CHUDASAMA

Versus

STATE OF GUJARAT

Appearance:

MR MUKUND M DESAI for Petitioners

MR HV CHHATRAPATI for Respondent No. 1

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 04/08/2000

ORAL JUDGEMENT

#. In Special Civil Application No.884/88 the petitioners have prayed to issue a writ of mandamus or any other writ or order directing respondent no.1 i.e. the State Government to allot, by way of sale or on hire

purchase basis, the quarters occupied by the petitioners in Ranjitnagar at Jamnagar on the analogy of the Government Resolution dated February 18, 1975.

#. In Special Civil Application No.984/88 the petitioners have prayed to issue a writ of mandamus or any other writ or order directing the State Government to allot and transfer, by way of sale or on hire purchase basis, the quarters occupied by them in Meghaninagar at Junagadh on the analogy of the Government Resolution dated February 18, 1975.

#. As common question of facts and law are involved in these petitions, I propose to dispose of them by this common judgment.

#. The petitioners are government employees and were allotted quarters at Jamnagar and Junagadh District. Their case was that, by resolution dated February 18, 1975 the Government had resolved to allot quarters situated in 'H' and 'L' Colonies to the government employees by way of sale, and therefore they were also entitled to purchase the quarters allotted to them. What was claimed was that, action of the State Government of not offering the quarters occupied by them on sale or hire purchase basis was violative of provisions of Articles 14 and 16 of the Constitution of India. Under the circumstances, they have filed the above referred to two petitions and claimed relief to which reference is made earlier.

#. Mr.M.M.Desai, learned counsel appearing for the petitioners states at the bar that these two petitions are covered by a judgment of the Division Bench of this High Court in case of N.K.Parmar vs. State of Gujarat, reported in 33 GLR 1508 as well as judgment dated March 29, 1993 rendered by the Division Bench of this Court comprising R.A.Mehta and R.K.Abhichandani, JJ. in Special Civil Application No.696/84 and other cognate matters and therefore be disposed of accordingly.

In case of N.K.Parmar vs. State (Supra), the Division Bench has held as under :

"There is no question of violation of Art.14 of the Constitution because it cannot be said that the petitioners are discriminated against because of fortuitous circumstance of sale of Tenements of H and L Colonies in favour of some Government employees or employees of the S.T.Corporation or other persons. If by a fortuitous circumstance a chance or benefit of purchasing the Tenements is

given by a Government resolution, it does not amount to a privilege having conferred upon some Government employees and, therefore, similar privilege should be granted to rest of the employees."

#. On the basis of the judgment rendered in N.K.Parmar's case, another Division Bench of this Court has disposed of Special Civil Application No.696/84 and other cognate matters i.e.

Special Civil Application Nos.696/84, 2009/82, 1147/84, 5736/84, 3269/85, 320/85, 5261/85, 5267/85, 3232/87, 983/88 and 2508/89 in the following terms :

(CORAM : R.A.Mehta & R.K.Abhichandani, JJ.)

Decided on March 29, 1993

COMMON ORAL JUDGMENT. (Per R.A.Mehta, J.)

"All these matters are covered by a judgment of the Division Bench of this High Court in the case of N.K.Parmar, Vs. State of Gujarat, reported in 33 GLR 1508. In fact these petitions were part of the same group, however, they were left out. Following the said judgment, all the petitions are required to be dismissed and are dismissed. Rule discharged. Interim relief vacated. No order as to costs."

#. In view of the two judgments which are delivered by two different Division Benches of this Court, I am of the opinion that the present petitions are also required to be dismissed.

#. For the foregoing reasons, both the petitions fail and are dismissed. Rule in each petitions is discharged with no order as to costs. Ad-interim relief granted earlier in each petition is hereby vacated.

(J.M.Panchal, J.)

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